

REMARKS

By the Office Action of June 28, 2005, claims 5 and 9 were rejected under 35 U.S.C.  112, second paragraph, as containing informalities.

Claims 1, 2, 4, 6, 7, 10 and 11 were rejected under 35 U.S.C.  102(b) as being anticipated by U.S. Patent 6,432,048 to Francois. Claims 3 and 8 were also rejected under 35 U.S.C.  103(a) as being unpatentable over Francois. Claims 5 and 9 were rejected under 35 U.S.C.  103(a) as unpatentable over Francois in view of U.S. Patent 5,460,165 to Mayes.

The claims have been amended to correct the  112 informalities and also to better distinguish the present invention from the device of Patent 6,432,048 as well as the secondary reference.

Francois discloses several embodiments of what he terms a "lateral wall retractor vaginal speculum". The embodiment illustrated in Figures 1 and 2 bears little resemblance to the present claimed invention but rather includes a speculum having a pair of transparent plastic membranes permanently affixed to and linking the lateral edges of the upper and lower blades of a speculum.

The embodiment of the invention illustrated in Figures 5 and 6 of the Francois patent is more analogous to the present invention. In this embodiment a tubular sheath member 33 has a pair of radially opposed pockets 34 and 35 for the blades of the speculum which extend from its proximal end and cover the blades. The disposable cover of the present invention differs from the cover illustrated in Figures 5 and 6 of Francois in two significant features: First, the sidewalls of the sheath of the present invention fully block the spaces between the opposed edges of the two speculum blades, extending beyond their distal ends. By contrast, the tubular member 33 of Francois terminates at its distal end at the proximal end of the pockets 34 and 35 for receiving the blade tips. Thus, the area around the blade tips is not laterally supported and the

labia and vaginal hairs are not blocked from extending between the blade tips and obstructing the view from the proximal end of the speculum. This is clearly shown in the view of Figure 2 where it is seen that the tubular wall section fully covers the speculum blades and projects beyond their ends.

Secondly, the sheath 22 of the present invention includes a pointed cylindrical tip 32 which extends beyond the distal ends of the pouch sections 28 and 30 which retain the speculum blades 12 and 14, as is best seen in Figure 2. These pointed sections 32 "... are pointed both in width and depth and act to guide the speculum blades 12 and 14 with the covering sheath 20 into the vagina." Page 6, lines 4-6. There is no equivalent structure in Francois. The distal ends of his pockets 34 and 35 cover the distal ends 36 and 37 of the speculum blades without any further forward extending structure.

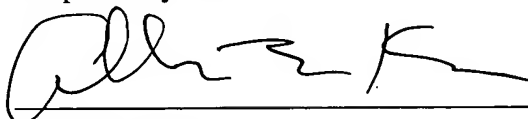
Claims 5 and 9 have been amended in the manner suggested by the Examiner to correct the §112 informalities. The claims have also been amended to more clearly emphasize the distinctions noted above with respect to the Francois patent. Claim 1 has been amended to define the sheath as being fully tubular in cross-section from its proximal end to its distal end and to define the pouches for receiving the ends of the speculum blades as terminating in closed sections disposed adjacent the distal end of the sheath.

Claim 2 has similarly been amended to define the tips as being distally pointed and formed on the sheath forward of the distal ends of each of the pouches. No equivalent structure is disclosed in Francois. Similarly, claim 7 has been amended to define the pointed tips as being disposed forward of the distal ends of the speculum blades. Claim 10 has been amended to define the pouches for the speculum blades as terminating in distal ends adjacent the proximal ends of the tips defined in claim 7.

The secondary reference to Mayes, U.S. Patent 5,460,165, disclosing a sheath formed of latex is noted, but it is respectfully submitted that these claims are patentable for the same reasons as the claims upon which they are dependent.

It is respectfully submitted that the claims, as amended, define features not disclosed or suggested by the prior art and reconsideration and allowance of the application are accordingly respectfully solicited.

Respectfully submitted,



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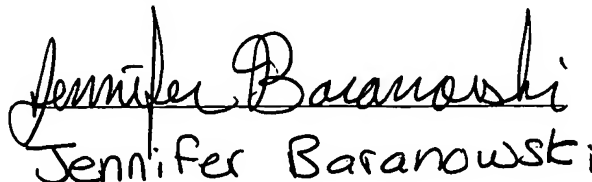
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